



General Assembly

***Amendment***

***February Session, 2004***

**LCO No. 5133**

**\*SB0037705133HR0\***

Offered by:

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To: Subst. Senate Bill No. 377

File No. 169

Cal. No. 478

***"AN ACT CONCERNING A CONSTRUCTION WORK CHARGE FOR  
SMALL WATER COMPANIES."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (d) of section 16-50k of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2004*):

6 (d) This chapter shall apply to any facility described in subdivisions  
7 (1) to (3), inclusive, of subsection (a) of section 16-50i, as amended, the  
8 construction of which is commenced on or after April 1, 1972, and to  
9 any such facility the construction of which is approved by a  
10 municipality that has commenced the sale of bonds or bond  
11 anticipation notes on or after April 1, 1972, the proceeds or part of the  
12 proceeds of which are to finance such construction. This chapter shall

13 apply to any facility described in subdivision (4) of said subsection (a)  
14 of section 16-50i, as amended, the construction of which is commenced  
15 on or after July 1, 1983, and to any such facility the construction of  
16 which is approved by a municipality that has commenced the sale of  
17 bonds or bond anticipation notes on or after July 1, 1983, the proceeds  
18 or part of the proceeds of which are to finance such construction. This  
19 chapter shall apply to any facility described in [subdivisions]  
20 subdivision (5) [and (6)] of said subsection (a), the construction of  
21 which is commenced on or after October 1, 1977, and to any such  
22 facility the construction of which is approved by a municipality that  
23 has commenced the sale of bonds or bond anticipation notes on or  
24 after October 1, 1977, the proceeds or part of the proceeds of which are  
25 to finance such construction. This chapter shall apply to the  
26 modification of a facility described in subdivisions (1) to (3), inclusive,  
27 of said subsection (a) for which construction is commenced on or after  
28 April 1, 1972, modifications of a facility described in subdivision (4) of  
29 said subsection (a) for which construction is commenced on or after  
30 July 1, 1983, and modifications of a facility described in [subdivisions]  
31 subdivision (5) [and (6)] of said subsection (a) of section 16-50i, as  
32 amended, for which construction is commenced on or after October 1,  
33 1977, whenever such modification either alone or in combination with  
34 existing or other proposed facility modifications may, as determined  
35 by the council, have a substantial adverse environmental effect. This  
36 chapter shall not apply to any matter over which any agency,  
37 department or instrumentality of the federal government has exclusive  
38 jurisdiction, or has jurisdiction concurrent with that of the state and  
39 has exercised such jurisdiction, to the exclusion of regulation of such  
40 matter by the state.

41 Sec. 502. Subsection (a) of section 16-50l of the general statutes, as  
42 amended by section 4 of public act 03-140, is repealed and the  
43 following is substituted in lieu thereof (*Effective October 1, 2004*):

44 (a) To initiate a certification proceeding, an applicant for a  
45 certificate shall file with the council an application, in such form as the  
46 council may prescribe, accompanied by a filing fee of not more than

47 twenty-five thousand dollars, which fee shall be established in  
48 accordance with section 16-50t, and a municipal participation fee of  
49 twenty-five thousand dollars to be deposited in the account  
50 established pursuant to section 16-50bb, except that an application for  
51 a facility described in subdivision (5) [or (6)] of subsection (a) of section  
52 16-50i, as amended, shall not pay such municipal participation fee. An  
53 application shall contain such information as the applicant may  
54 consider relevant and the council or any department or agency of the  
55 state exercising environmental controls may by regulation require,  
56 including the following information:

57 (1) In the case of facilities described in subdivisions (1), (2) and (4) of  
58 subsection (a) of section 16-50i, as amended: (A) A description,  
59 including estimated costs, of the proposed transmission line,  
60 substation or switchyard, covering, where applicable underground  
61 cable sizes and specifications, overhead tower design and appearance  
62 and heights, if any, conductor sizes, and initial and ultimate voltages  
63 and capacities; (B) a statement and full explanation of why the  
64 proposed transmission line, substation or switchyard is necessary and  
65 how the facility conforms to a long-range plan for expansion of the  
66 electric power grid serving the state and interconnected utility  
67 systems, that will serve the public need for adequate, reliable and  
68 economic service; (C) a map of suitable scale of the proposed routing  
69 or site, showing details of the rights-of-way or site in the vicinity of  
70 settled areas, parks, recreational areas and scenic areas, and showing  
71 existing transmission lines within one mile of the proposed route or  
72 site; (D) justification for adoption of the route or site selected,  
73 including comparison with alternative routes or sites which are  
74 environmentally, technically and economically practical; (E) a  
75 description of the effect of the proposed transmission line, substation  
76 or switchyard on the environment, ecology, and scenic, historic and  
77 recreational values; (F) a justification for overhead portions, if any,  
78 including life-cycle cost studies comparing overhead alternatives with  
79 underground alternatives, and effects described in subparagraph (E) of  
80 this subdivision of undergrounding; (G) a schedule of dates showing

81 the proposed program of right-of-way or property acquisition,  
82 construction, completion and operation; and (H) identification of each  
83 federal, state, regional, district and municipal agency with which  
84 proposed route or site reviews have been undertaken, including a copy  
85 of each written agency position on such route or site; and

86 (2) In the case of facilities described in subdivision (3) of subsection  
87 (a) of section 16-50i, as amended: (A) A description of the proposed  
88 electric generating or storage facility; (B) a statement and full  
89 explanation of why the proposed facility is necessary; (C) a statement  
90 of loads and resources as described in section 16-50r; (D) safety and  
91 reliability information, including planned provisions for emergency  
92 operations and shutdowns; (E) estimated cost information, including  
93 plant costs, fuel costs, plant service life and capacity factor, and total  
94 generating cost per kilowatt-hour, both at the plant and related  
95 transmission, and comparative costs of alternatives considered; (F) a  
96 schedule showing the program for design, material acquisition,  
97 construction and testing, and operating dates; (G) available site  
98 information, including maps and description and present and  
99 proposed development, and geological, scenic, ecological, seismic,  
100 biological, water supply, population and load center data; (H)  
101 justification for adoption of the site selected, including comparison  
102 with alternative sites; (I) design information, including description of  
103 facilities, plant efficiencies, electrical connections to system, and  
104 control systems; (J) description of provisions, including devices and  
105 operations, for mitigation of the effect of the operation of the facility on  
106 air and water quality, for waste disposal, and for noise abatement, and  
107 information on other environmental aspects; (K) a listing of federal,  
108 state, regional, district and municipal agencies from which approvals  
109 either have been obtained or will be sought covering the proposed  
110 facility, copies of approvals received and the planned schedule for  
111 obtaining those approvals not yet received.

112 Sec. 503. Subsection (a) of section 16-50l of the general statutes, as  
113 amended by section 5 of public act 03-140, is repealed and the  
114 following is substituted in lieu thereof (*Effective December 1, 2004*):

115 (a) (1) To initiate a certification proceeding, an applicant for a  
116 certificate shall file with the council an application, in such form as the  
117 council may prescribe, accompanied by a filing fee of not more than  
118 twenty-five thousand dollars, which fee shall be established in  
119 accordance with section 16-50t, and a municipal participation fee of  
120 twenty-five thousand dollars to be deposited in the account  
121 established pursuant to section 16-50bb, except that an application for  
122 a facility described in subdivision (5) [or (6)] of subsection (a) of section  
123 16-50i, as amended, shall not pay such municipal participation fee. An  
124 application shall contain such information as the applicant may  
125 consider relevant and the council or any department or agency of the  
126 state exercising environmental controls may by regulation require,  
127 including the following information:

128 (A) In the case of facilities described in subdivisions (1), (2) and (4)  
129 of subsection (a) of section 16-50i, as amended: (i) A description,  
130 including estimated costs, of the proposed transmission line,  
131 substation or switchyard, covering, where applicable underground  
132 cable sizes and specifications, overhead tower design and appearance  
133 and heights, if any, conductor sizes, and initial and ultimate voltages  
134 and capacities; (ii) a statement and full explanation of why the  
135 proposed transmission line, substation or switchyard is necessary and  
136 how the facility conforms to a long-range plan for expansion of the  
137 electric power grid serving the state and interconnected utility  
138 systems, that will serve the public need for adequate, reliable and  
139 economic service; (iii) a map of suitable scale of the proposed routing  
140 or site, showing details of the rights-of-way or site in the vicinity of  
141 settled areas, parks, recreational areas and scenic areas, and showing  
142 existing transmission lines within one mile of the proposed route or  
143 site; (iv) justification for adoption of the route or site selected,  
144 including comparison with alternative routes or sites which are  
145 environmentally, technically and economically practical; (v) a  
146 description of the effect of the proposed transmission line, substation  
147 or switchyard on the environment, ecology, and scenic, historic and  
148 recreational values; (vi) a justification for overhead portions, if any,

149 including life-cycle cost studies comparing overhead alternatives with  
150 underground alternatives, and effects described in (v) of this  
151 subparagraph of undergrounding; (vii) a schedule of dates showing  
152 the proposed program of right-of-way or property acquisition,  
153 construction, completion and operation; and (viii) identification of  
154 each federal, state, regional, district and municipal agency with which  
155 proposed route or site reviews have been undertaken, including a copy  
156 of each written agency position on such route or site; and

157 (B) In the case of facilities described in subdivision (3) of subsection  
158 (a) of section 16-50i, as amended: (i) A description of the proposed  
159 electric generating or storage facility; (ii) a statement and full  
160 explanation of why the proposed facility is necessary; (iii) a statement  
161 of loads and resources as described in section 16-50r; (iv) safety and  
162 reliability information, including planned provisions for emergency  
163 operations and shutdowns; (v) estimated cost information, including  
164 plant costs, fuel costs, plant service life and capacity factor, and total  
165 generating cost per kilowatt-hour, both at the plant and related  
166 transmission, and comparative costs of alternatives considered; (vi) a  
167 schedule showing the program for design, material acquisition,  
168 construction and testing, and operating dates; (vii) available site  
169 information, including maps and description and present and  
170 proposed development, and geological, scenic, ecological, seismic,  
171 biological, water supply, population and load center data; (viii)  
172 justification for adoption of the site selected, including comparison  
173 with alternative sites; (ix) design information, including description of  
174 facilities, plant efficiencies, electrical connections to system, and  
175 control systems; (x) description of provisions, including devices and  
176 operations, for mitigation of the effect of the operation of the facility on  
177 air and water quality, for waste disposal, and for noise abatement, and  
178 information on other environmental aspects; (xi) a listing of federal,  
179 state, regional, district and municipal agencies from which approvals  
180 either have been obtained or will be sought covering the proposed  
181 facility, copies of approvals received and the planned schedule for  
182 obtaining those approvals not yet received.

183 (2) On or after December 1, 2004, the filing of an application  
184 pursuant to subdivision (1) of this subsection shall initiate the request-  
185 for-proposal process, except for an application for a facility described  
186 in subdivision (5) [or (6)] of subsection (a) of section 16-50i, as  
187 amended.

188 (3) Notwithstanding the provisions of this subsection, an entity that  
189 has submitted a proposal pursuant to the request-for-proposal process  
190 may initiate a certification proceeding by filing with the council an  
191 application containing the information required pursuant to this  
192 section, accompanied by a filing fee of not more than twenty-five  
193 thousand dollars, which fee shall be established in accordance with  
194 section 16-50t, and a municipal participation fee of twenty-five  
195 thousand dollars to be deposited in the account established pursuant  
196 to section 16-50bb, not later than thirty days after the Connecticut  
197 Energy Advisory Board performs the evaluation process pursuant to  
198 subsection (f) of section 16a-7c.

199 Sec. 504. Subsection (b) of section 16-50l of the general statutes is  
200 repealed and the following is substituted in lieu thereof (*Effective*  
201 *October 1, 2004*):

202 (b) Each application shall be accompanied by proof of service of a  
203 copy of such application on: (1) Each municipality in which any  
204 portion of such facility is to be located, both as primarily proposed and  
205 in the alternative locations listed, and any adjoining municipality  
206 having a boundary not more than two thousand five hundred feet  
207 from such facility, which copy shall be served on the chief executive  
208 officer of each such municipality and shall include notice of the date on  
209 or about which the application is to be filed, and the zoning  
210 commissions, planning commissions, planning and zoning  
211 commissions, conservation commissions and inland wetlands agencies  
212 of each such municipality, and the regional planning agencies which  
213 encompass each such municipality; (2) the Attorney General; (3) each  
214 member of the legislature in whose assembly or senate district the  
215 facility or any alternative location listed in the application is to be

216 located; (4) any agency, department or instrumentality of the federal  
217 government that has jurisdiction, whether concurrent with the state or  
218 otherwise, over any matter that would be affected by such facility; (5)  
219 each state department, agency and commission named in subsection  
220 (h) of section 16-50j, as amended; and (6) such other state and  
221 municipal bodies as the council may by regulation designate. A notice  
222 of such application shall be given to the general public, in  
223 municipalities entitled to receive notice under subdivision (1) of this  
224 subsection, by the publication of a summary of such application and  
225 the date on or about which it will be filed. Such notice shall be  
226 published under the regulations to be promulgated by the council, in  
227 such form and in such newspapers as will serve substantially to inform  
228 the public of such application and to afford interested persons  
229 sufficient time to prepare for and to be heard at the hearing prescribed  
230 in section 16-50m, as amended. Such notice shall be published in not  
231 less than ten-point type. A notice of such an application for a certificate  
232 for a facility described in subdivision (3), (4), or (5) [or (6)] of  
233 subsection (a) of section 16-50i, as amended, shall also be sent, by  
234 certified or registered mail, to each person appearing of record as an  
235 owner of property which abuts the proposed primary or alternative  
236 sites on which the facility would be located. Such notice shall be sent at  
237 the same time that notice of such application is given to the general  
238 public. Notice of an application for a certificate for a facility described  
239 in subdivision (1) of subsection (a) of section 16-50i, as amended, shall  
240 also be provided to each electric company or electric distribution  
241 company customer in the municipality where the facility is proposed  
242 to be placed. Such notice shall (A) be provided on a separate enclosure  
243 with each customer's monthly bill for one or more months, (B) be  
244 provided by the electric company or electric distribution company not  
245 earlier than sixty days prior to filing the application with the council,  
246 but not later than the date that the application is filed with the council,  
247 and (C) include: A brief description of the project, including its  
248 location relative to the affected municipality and adjacent streets; a  
249 brief technical description of the project including its proposed length,  
250 voltage, and type and range of heights of support structures or



251 underground configuration; the reason for the project; the address and  
252 a toll-free telephone number of the applicant by which additional  
253 information about the project can be obtained; and a statement in print  
254 no smaller than twenty-four-point type size stating "NOTICE OF  
255 PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC  
256 TRANSMISSION LINE".

257 Sec. 505. Subsection (a) of section 16-50m of the general statutes, as  
258 amended by section 8 of public act 03-140, is repealed and the  
259 following is substituted in lieu thereof (*Effective October 1, 2004*):

260 (a) The council shall promptly fix a commencement date and  
261 location for a public hearing on an application for a certificate  
262 complying with section 16-50l, as amended, (1) where no proposals are  
263 received pursuant to the request-for-proposal process, not less than  
264 thirty days after the deadline for submission of such proposals nor  
265 more than sixty days after such deadline; (2) where a proposal is  
266 received pursuant to the request-for-proposal process, not less than  
267 thirty days after the deadline of submission of an application pursuant  
268 to subdivision (3) of subsection (a) of section 16-50l, as amended, nor  
269 more than sixty days after such deadline; or (3) where the application  
270 is for a facility described in subdivision (5) [or (6)] of subsection (a) of  
271 section 16-50i, as amended, not less than thirty days after receipt of an  
272 application nor more than one hundred fifty days after such receipt.  
273 Applications that are common to a request-for-proposal shall be heard  
274 under a consolidated public hearing process. At least one session of  
275 such hearing shall be held at a location selected by the council in the  
276 county in which the facility or any part thereof is to be located after  
277 six-thirty p.m. for the convenience of the general public. After holding  
278 at least one hearing session in the county in which the facility or any  
279 part thereof is to be located, the council may, in its discretion, hold  
280 additional hearing sessions at other locations. If the proposed facility is  
281 to be located in more than one county, the council shall fix the location  
282 for at least one public hearing session in whichever county it  
283 determines is most appropriate, provided the council may hold  
284 hearing sessions in more than one county.

285 Sec. 506. Subsection (a) of section 126-50p of the general statutes, as  
286 amended by section 11 of public act 03-140, is repealed and the  
287 following is substituted in lieu thereof (*Effective October 1, 2004*):

288 (a) (1) In a certification proceeding, the council shall render a  
289 decision upon the record either granting or denying the application as  
290 filed, or granting it upon such terms, conditions, limitations or  
291 modifications of the construction or operation of the facility as the  
292 council may deem appropriate.

293 (2) The council's decision shall be rendered in accordance with the  
294 following:

295 (A) Not later than twelve months after the deadline for filing an  
296 application following the request-for-proposal process for a facility  
297 described in subdivision (1) or (2) of subsection (a) of section 16-50i, as  
298 amended, or subdivision (4) of said subsection (a) if the application  
299 was incorporated in an application concerning a facility described in  
300 subdivision (1) of said subsection (a);

301 (B) Not later than one hundred eighty days after the deadline for  
302 filing an application following the request-for-proposal process for a  
303 facility described in subdivision (4) of said subsection (a), and an  
304 application concerning a facility described in subdivision (3) of said  
305 subsection (a), provided such time periods may be extended by the  
306 council by not more than one hundred eighty days with the consent of  
307 the applicant; and

308 (C) Not later than one hundred eighty days after the filing of an  
309 application for a facility described in subdivision (5) [or (6)] of said  
310 subsection (a), provided such time period may be extended by the  
311 council by not more than one hundred eighty days with the consent of  
312 the applicant.

313 (3) The council shall file, with its order, an opinion stating in full its  
314 reasons for the decision. Except as provided in subsection (c) of this  
315 section, the council shall not grant a certificate, either as proposed or as

316 modified by the council, unless it shall find and determine:

317 (A) A public need for the facility and the basis of the need;

318 (B) The nature of the probable environmental impact of the facility  
319 alone and cumulatively with other existing facilities, including a  
320 specification of every significant adverse effect, whether alone or  
321 cumulatively with other effects, on, and conflict with the policies of the  
322 state concerning, the natural environment, ecological balance, public  
323 health and safety, scenic, historic and recreational values, forests and  
324 parks, air and water purity and fish, aquaculture and wildlife;

325 (C) Why the adverse effects or conflicts referred to in subparagraph  
326 (B) of this subdivision are not sufficient reason to deny the application;

327 (D) In the case of an electric transmission line, (i) what part, if any,  
328 of the facility shall be located overhead, (ii) that the facility conforms to  
329 a long-range plan for expansion of the electric power grid of the  
330 electric systems serving the state and interconnected utility systems  
331 and will serve the interests of electric system economy and reliability,  
332 and (iii) that the overhead portions, if any, of the facility are cost  
333 effective and the most appropriate alternative based on a life-cycle cost  
334 analysis of the facility and underground alternatives to such facility,  
335 and are consistent with the purposes of this chapter, with such  
336 regulations as the council may adopt pursuant to subsection (a) of  
337 section 16-50t, and with the Federal Power Commission "Guidelines  
338 for the Protection of Natural Historic Scenic and Recreational Values in  
339 the Design and Location of Rights-of-Way and Transmission Facilities"  
340 or any successor guidelines and any other applicable federal  
341 guidelines;

342 (E) In the case of an electric or fuel transmission line, that the  
343 location of the line will not pose an undue hazard to persons or  
344 property along the area traversed by the line;

345 (F) In the case of an application that was heard under a consolidated  
346 hearing process with other applications that were common to a

347 request-for-proposal, that the facility proposed in the subject  
348 application represents the most appropriate alternative among such  
349 applications based on the findings and determinations pursuant to this  
350 subsection; and

351 (G) In the case of a facility described in subdivision (6) of subsection  
352 (a) of section 16-50i, as amended, that is proposed to be installed on  
353 land under agricultural restriction, as provided in section 22-26cc, as  
354 amended, that the facility will not result in a material decrease of  
355 acreage and productivity of the arable land.

356 Sec. 507. Subsection (b) of section 16-50p of the general statutes, as  
357 amended by section 6 of public act 03-221 and section 120 of public act  
358 03-278, is repealed and the following is substituted in lieu thereof  
359 (*Effective October 1, 2004*):

360 (b) (1) Prior to granting an applicant's certificate for a facility  
361 described in subdivision (5) [or (6)] of section 16-50i, as amended, the  
362 council shall examine, in addition to its consideration of subdivisions  
363 (1) to (5), inclusive, of subsection (a) of this section: (A) The feasibility  
364 of requiring an applicant to share an existing facility, as defined in  
365 subsection (b) of section 16-50aa, within a technically derived search  
366 area of the site of the proposed facility, provided such shared use is  
367 technically, legally, environmentally and economically feasible and  
368 meets public safety concerns, (B) whether such facility, if constructed,  
369 may be shared with any public or private entity which provides  
370 telecommunications or community antenna television service to the  
371 public, provided such shared use is technically, legally,  
372 environmentally and economically feasible at fair market rates, meets  
373 public safety concerns, and the parties' interests have been considered  
374 and (C) whether the proposed facility would be located in an area of  
375 the state which the council, in consultation with the Department of  
376 Environmental Protection and any affected municipalities, finds to be a  
377 relatively undisturbed area that possesses scenic quality of local,  
378 regional or state-wide significance. The council may deny an  
379 application for a certificate if it determines that (i) shared use under the

380 provisions of subparagraph (A) of this subdivision is feasible, (ii) the  
381 applicant would not cooperate relative to the future shared use of the  
382 proposed facility, or (iii) the proposed facility would substantially  
383 affect the scenic quality of its location and no public safety concerns  
384 require that the proposed facility be constructed in such a location.

385 (2) When issuing a certificate for a facility described in subdivision  
386 (5) [or (6)] of subsection (a) of section 16-50i, as amended, the council  
387 may impose such reasonable conditions as it deems necessary to  
388 promote immediate and future shared use of such facilities and avoid  
389 the unnecessary proliferation of such facilities in the state. The council  
390 shall, prior to issuing a certificate, provide notice of the proposed  
391 facility to the municipality in which the facility is to be located. Upon  
392 motion of the council, written request by a public or private entity  
393 which provides telecommunications or community antenna television  
394 service to the public or upon written request by an interested party, the  
395 council may conduct a preliminary investigation to determine whether  
396 the holder of a certificate for such a facility is in compliance with the  
397 certificate. Following its investigation, the council may initiate a  
398 certificate review proceeding, which shall include a hearing, to  
399 determine whether the holder of a certificate for such a facility is in  
400 compliance with the certificate. In such proceeding, the council shall  
401 render a decision and may issue orders which it deems necessary to  
402 compel compliance with the certificate, which orders may include, but  
403 not be limited to, revocation of the certificate. Such orders may be  
404 enforced in accordance with the provisions of section 16-50u.

405 Sec. 508. Subsection (a) of section 16-50r of the general statutes is  
406 repealed and the following is substituted in lieu thereof (*Effective*  
407 *October 1, 2004*):

408 (a) Every person engaged in electric transmission services, as  
409 defined in section 16-1, as amended, electric generation services, as  
410 defined in said section, or electric distribution services, as defined in  
411 said section generating electric power in the state utilizing a generating  
412 facility with a capacity greater than one megawatt, shall, annually, on

413 or before March first, file a report on a forecast of loads and resources  
414 which may consist of an update of the previous year's report with the  
415 council for its review. The report shall cover the ten-year forecast  
416 period beginning with the year of the report. Upon request, the report  
417 shall be made available to the public. The report shall include, as  
418 applicable: (1) A tabulation of estimated peak loads, resources and  
419 margins for each year; (2) data on energy use and peak loads for the  
420 five preceding calendar years; (3) a list of existing generating facilities  
421 in service; (4) a list of scheduled generating facilities for which  
422 property has been acquired, for which certificates have been issued  
423 and for which certificate applications have been filed; (5) a list of  
424 planned generating units at plant locations for which property has  
425 been acquired, or at plant locations not yet acquired, that will be  
426 needed to provide estimated additional electrical requirements, and  
427 the location of such facilities; (6) a list of planned transmission lines on  
428 which proposed route reviews are being undertaken or for which  
429 certificate applications have already been filed; (7) a description of the  
430 steps taken to upgrade existing facilities and to eliminate overhead  
431 transmission and distribution lines in accordance with the regulations  
432 and standards described in section 16-50t; and (8) for each private  
433 power producer having a facility generating more than one megawatt  
434 and from whom the person furnishing the report has purchased  
435 electricity during the preceding calendar year, a statement including  
436 the name, location, size and type of generating facility, the fuel  
437 consumed by the facility and the by-product of the consumption.  
438 Confidential, proprietary or trade secret information provided under  
439 this section may be submitted under a duly granted protective order.  
440 The council may adopt regulations, in accordance with the provisions  
441 of chapter 54, that specify the expected filing requirements for persons  
442 that transmit electric power in the state, electric distribution  
443 companies, and persons that generate electric power in the state  
444 utilizing a generating facility with a capacity of greater than one  
445 megawatt. Until such regulations are adopted, persons that transmit  
446 electric power in the state shall file reports pursuant to this section that  
447 include the information requested in [subdivisions (6) and]

448 subdivision (7) of this subsection; electric distribution companies in the  
449 state shall file reports pursuant to this section that include the  
450 information requested in subdivisions (1), (2), (7) and (8) of this  
451 subsection; persons that generate electric power in the state utilizing a  
452 generating facility with a capacity greater than one megawatt shall file  
453 reports pursuant to this section that include the information requested  
454 in subdivisions (3), (4), (5) and (8) of this subsection. The council shall  
455 hold a public hearing on such filed forecast reports annually. The  
456 council shall conduct a review in an executive session of any  
457 confidential, proprietary or trade secret information submitted under a  
458 protective order during such a hearing. At least one session of such  
459 hearing shall be held after six-thirty p.m. Upon reviewing such  
460 forecast reports, the council may issue its own report assessing the  
461 overall status of loads and resources in the state. If the council issues  
462 such a report, it shall be made available to the public and shall be  
463 furnished to each member of the joint standing committee of the  
464 General Assembly having cognizance of matters relating to energy and  
465 technology, any other member of the General Assembly making a  
466 written request to the council for the report and such other state and  
467 municipal bodies as the council may designate.

468 Sec. 509. Subsection (b) of section 14 of public act 03-140 is repealed  
469 and the following is substituted in lieu thereof (*Effective October 1,*  
470 *2004*):

471 (b) Payments from the account shall be made upon authorization by  
472 the State Treasurer not later than sixty days after receipt of an  
473 application for a proposed facility, except for a facility described in  
474 [subdivisions (5) and (6)] subdivision (5) of subsection (a) of section 16-  
475 50i, as amended, to each municipality entitled to receive a copy of such  
476 application under section 16-50i, as amended, in order to defray  
477 expenses incurred by such municipalities in participating as a party to  
478 a certification proceeding, except for a proceeding on an application  
479 for a facility described in subdivision (5) [or (6)] of subsection (a) of  
480 section 16-50i, as amended. Any moneys remaining at the end of such  
481 proceeding shall be refunded to the applicant in even amounts. Where

482 more than one municipality seeks moneys from such account, the  
483 council shall evenly distribute such moneys among the municipalities.  
484 No municipality may receive moneys from the account in excess of  
485 twenty-five thousand dollars. No municipality may receive moneys  
486 from the account in excess of the dollar amount such municipality has  
487 expended from its own municipal funds. A municipality that has  
488 received moneys from the account in excess of the costs it incurred in  
489 participating in the certification proceeding, as determined by the  
490 council, shall refund such excess moneys to the account upon the  
491 conclusion of such proceeding.

492 Sec. 510. Subsection (b) of section 19 of public act 03-140 is repealed  
493 and the following is substituted in lieu thereof (*Effective October 1,*  
494 *2004*):

495 (b) On or after December 1, 2004, not later than fifteen days after the  
496 filing of an application pursuant to subdivision (1) of subsection (a) of  
497 section 16-50i, as amended, except for an application for a facility  
498 described in subdivision (5) [or (6)] of subsection (a) of section 16-50i,  
499 as amended, the Connecticut Energy Advisory Board shall issue a  
500 request-for-proposal to seek alternative solutions to the need that will  
501 be addressed by the proposed facility in such application. Such  
502 request-for-proposal shall, where relevant, solicit proposals that  
503 include distributed generation or energy efficiency measures. The  
504 board shall publish such request-for-proposal in one or more  
505 newspapers or periodicals, as selected by the board.

506 Sec. 511. Subsection (a) of section 8-2 of the general statutes is  
507 repealed and the following is substituted in lieu thereof (*Effective*  
508 *October 1, 2004*):

509 (a) The zoning commission of each city, town or borough is  
510 authorized to regulate, within the limits of such municipality, the  
511 height, number of stories and size of buildings and other structures;  
512 the percentage of the area of the lot that may be occupied; the size of  
513 yards, courts and other open spaces; the density of population and the



514 location and use of buildings, structures and land for trade, industry,  
515 residence or other purposes, including water-dependent uses, as  
516 defined in section 22a-93, the height, size and location of a  
517 telecommunication tower, including associated telecommunications  
518 equipment, and the height, size and location of advertising signs and  
519 billboards. Such bulk regulations may allow for cluster development  
520 as defined in section 8-18. Such zoning commission may divide the  
521 municipality into districts of such number, shape and area as may be  
522 best suited to carry out the purposes of this chapter; and, within such  
523 districts, it may regulate the erection, construction, reconstruction,  
524 alteration or use of buildings or structures and the use of land. All such  
525 regulations shall be uniform for each class or kind of buildings,  
526 structures or use of land throughout each district, but the regulations  
527 in one district may differ from those in another district, and may  
528 provide that certain classes or kinds of buildings, structures or uses of  
529 land are permitted only after obtaining a special permit or special  
530 exception from a zoning commission, planning commission, combined  
531 planning and zoning commission or zoning board of appeals,  
532 whichever commission or board the regulations may, notwithstanding  
533 any special act to the contrary, designate, subject to standards set forth  
534 in the regulations and to conditions necessary to protect the public  
535 health, safety, convenience and property values. Such regulations shall  
536 be made in accordance with a comprehensive plan and in adopting  
537 such regulations the commission shall consider the plan of  
538 conservation and development prepared under section 8-23, as  
539 amended. Such regulations shall be designed to lessen congestion in  
540 the streets; to secure safety from fire, panic, flood and other dangers; to  
541 promote health and the general welfare; to provide adequate light and  
542 air; to prevent the overcrowding of land; to avoid undue concentration  
543 of population and to facilitate the adequate provision for  
544 transportation, water, sewerage, schools, parks and other public  
545 requirements. Such regulations shall be made with reasonable  
546 consideration as to the character of the district and its peculiar  
547 suitability for particular uses and with a view to conserving the value  
548 of buildings and encouraging the most appropriate use of land

549 throughout such municipality. Such regulations may, to the extent  
550 consistent with soil types, terrain, infrastructure capacity and the plan  
551 of conservation and development for the community, provide for  
552 cluster development, as defined in section 8-18, in residential zones.  
553 Such regulations shall also encourage the development of housing  
554 opportunities, including opportunities for multifamily dwellings,  
555 consistent with soil types, terrain and infrastructure capacity, for all  
556 residents of the municipality and the planning region in which the  
557 municipality is located, as designated by the Secretary of the Office of  
558 Policy and Management under section 16a-4a. Such regulations shall  
559 also promote housing choice and economic diversity in housing,  
560 including housing for both low and moderate income households, and  
561 shall encourage the development of housing which will meet the  
562 housing needs identified in the housing plan prepared pursuant to  
563 section 8-37t and in the housing component and the other components  
564 of the state plan of conservation and development prepared pursuant  
565 to section 16a-26. Zoning regulations shall be made with reasonable  
566 consideration for their impact on agriculture. Zoning regulations may  
567 be made with reasonable consideration for the protection of historic  
568 factors and shall be made with reasonable consideration for the  
569 protection of existing and potential public surface and ground  
570 drinking water supplies. On and after July 1, 1985, the regulations shall  
571 provide that proper provision be made for soil erosion and sediment  
572 control pursuant to section 22a-329. Such regulations may also  
573 encourage energy-efficient patterns of development, the use of solar  
574 and other renewable forms of energy, and energy conservation. The  
575 regulations may also provide for incentives for developers who use  
576 passive solar energy techniques, as defined in subsection (b) of section  
577 8-25, as amended, in planning a residential subdivision development.  
578 The incentives may include, but not be limited to, cluster development,  
579 higher density development and performance standards for roads,  
580 sidewalks and underground facilities in the subdivision. Such  
581 regulations may provide for a municipal system for the creation of  
582 development rights and the permanent transfer of such development  
583 rights, which may include a system for the variance of density limits in

584 connection with any such transfer. Such regulations may also provide  
585 for notice requirements in addition to those required by this chapter.  
586 Such regulations may provide for conditions on operations to collect  
587 spring water or well water, as defined in section 21a-150, as amended,  
588 including the time, place and manner of such operations. No such  
589 regulations shall prohibit the operation of any family day care home or  
590 group day care home in a residential zone. Such regulations shall not  
591 impose conditions and requirements on manufactured homes having  
592 as their narrowest dimension twenty-two feet or more and built in  
593 accordance with federal manufactured home construction and safety  
594 standards or on lots containing such manufactured homes which are  
595 substantially different from conditions and requirements imposed on  
596 single-family dwellings and lots containing single-family dwellings.  
597 Such regulations shall not impose conditions and requirements on  
598 developments to be occupied by manufactured homes having as their  
599 narrowest dimension twenty-two feet or more and built in accordance  
600 with federal manufactured home construction and safety standards  
601 which are substantially different from conditions and requirements  
602 imposed on multifamily dwellings, lots containing multifamily  
603 dwellings, cluster developments or planned unit developments. Such  
604 regulations shall not prohibit the continuance of any nonconforming  
605 use, building or structure existing at the time of the adoption of such  
606 regulations. Such regulations shall not provide for the termination of  
607 any nonconforming use solely as a result of nonuse for a specified  
608 period of time without regard to the intent of the property owner to  
609 maintain that use. Any city, town or borough which adopts the  
610 provisions of this chapter may, by vote of its legislative body, exempt  
611 municipal property from the regulations prescribed by the zoning  
612 commission of such city, town or borough; but unless it is so voted  
613 municipal property shall be subject to such regulations."